

**Listing of Claims**

1.-42. (Cancelled).

43. (Currently amended) A method of treating a metastatic ~~tumour~~ tumor which occurs in but does not originate from the central nervous system of a human comprising intratumoral or intracranial injection of an avirulent herpes simplex virus type 1 (HSV-1), said avirulent HSV-1 consisting of an HSV-1 genome which is modified in respect of the wild-type by a modification to the HSV-1 genome wherein such modification consists of a mutation ~~mutated~~ in the  $\gamma$ 34.5 gene so as to become a non-functional  $\gamma$ 34.5 gene, wherein the avirulent HSV-1 infects and replicates within the tumor cells of tumor.

44. (Previously presented) A method according to claim 43 wherein the metastatic tumor occurs in the brain.

45. (Currently amended) A method according to claim 44 wherein the metastatic tumor is a ~~metastasised~~ metastasized melanoma.

46. (Cancelled)

47. (Currently amended) A method according to claim 43 wherein ~~the mutant~~ said modified virus is a herpes simplex virus type 1 which has been modified by deletion within the BamHI  $\underline{s}$  restriction fragment of the R<sub>L</sub> terminal repeat.

48-50. (Cancelled)

51. (Previously presented) A method according to claim 43 wherein the mutant virus is strain 1716.

42-58. (Cancelled)

59. (Currently amended) A method of treating a metastatic tumor which occurs in but does not originate from the central nervous system of a human comprising intratumoral or intracranial injection of an avirulent mutant herpes simplex virus type 1 (HSV-1), wherein the mutation consists ~~essentially~~ of a modified, mutated and therefore non-functional  $\gamma$ 34.5 gene, and wherein the avirulent HSV-1 infects and replicates within the tumor cells.